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## NOTICE OF ALLOWANCE AND FEE(S) DUE

466 7590 07/08/2010

YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

EXAMINER

ILUYOMADE, IFEDAYO B

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 07/08/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,439

10/07/2006

Shoji Taniguchi

8048-1164

4765

TITLE OF INVENTION: INFORMATION RECORDING MEDIUM AND INFORMATION RECORDING DEVICE AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/08/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

466 7590 07/08/2010

**YOUNG & THOMPSON**  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,439 10/07/2006 Shoji Taniguchi 8048-1164 4765

TITLE OF INVENTION: INFORMATION RECORDING MEDIUM AND INFORMATION RECORDING DEVICE AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/08/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
ILUYOMADE, IFEDAYO B	2627	369-047530

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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ART UNIT

PAPER NUMBER

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DATE MAILED: 07/08/2010

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 395 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 395 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/577,439	TANIGUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	IFEDAYO ILUYOMADE	2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/24/2010.
2. ☒ The allowed claim(s) is/are 12-16 and 19-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date ____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date ____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other ____.</li> </ol> |
|---|--|

### **DETAILED ACTION**

1. The amendment filed on 03/24/2010 has been entered. Claims 17 and 18 have been canceled. Claims 12 and 20 – 22 have been amended. Claims 12 - 16 and 19 - 22 are now pending.

### ***Response to Arguments***

2. Applicant's arguments, see page 10 - 14, filed 03/24/2010, with respect to claims 12 and 20 - 22 have been fully considered and are persuasive. The rejections of claims 12 and 20 - 22 has been withdrawn.

### ***Allowable Subject Matter***

3. Claims 12 – 16 and 19 – 22 are allowed.
4. The following is an examiner's statement of reasons for allowance:
- Claim 12, prior art fails to disclose or suggest a first recording layer for recording and a second recording layer for recording, said first recording layer and said second recording layer arranged in this order as viewed from an irradiation side of the laser light, wherein said second recording layer has a predetermined area in which power calibration is performed to detect an optimum recording power of the laser light for recording, which is transmitted through said first recording layer, and said first recording layer has a facing area which faces the predetermined area, the facing area having embossed pits, and light transmittance of the facing area being same as that of a recorded area on said first recording layer, said first recording layer has a first predetermined area in which the power calibration is performed for said first recording layer, said

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second recording layer has an unrecorded area which faces the first predetermined area, said second recording layer has a second predetermined area in which the power calibration is performed for said second recording layer, said first recording layer has an unrecorded area which faces the second predetermined area, a radial position of the predetermined area, a radial position of the first predetermined area and a radial position of the second predetermined area are different from each other.

- Claim 20, prior art fails to disclose or suggest a first recording layer for recording and a second recording layer for recording, said first recording layer and said second recording layer arranged in this order as viewed from an irradiation side of the laser light, wherein said second recording layer has a predetermined area in which power calibration is performed to detect an optimum recording power of the laser light for recording, which is transmitted through said first recording layer, and said first recording layer has a facing area which faces the predetermined area, the facing area having embossed pits, and light transmittance of the facing area being same as that of a recorded area on said first recording layer, said first recording layer has a first predetermined area in which the power calibration is performed for said first recording layer, said second recording layer has an unrecorded area, in an area which faces the first predetermined area, said second recording layer has a second predetermined area in which the power calibration is performed for said second recording layer, said first recording layer has an unrecorded area, in an area which faces the

second predetermined area, a radial position of the predetermined area, a radial position of the first predetermined area and a radial position of the second predetermined area are different from each other, said information recording apparatus comprising: a writing device for writing test- writing information into said second recording layer on the basis of the laser light for recording; and a test-writing control device for controlling said writing device to test-write the test-writing information for the power calibration of the laser light for recording with respect to said second recording layer, in the predetermined area through the facing area.

- Claim 21, prior art fails to disclose or suggest a first recording layer for recording and a second recording layer for recording, said first recording layer and said second recording layer arranged in this order as viewed from an irradiation side of the laser light, wherein said second recording layer has a predetermined area in which power calibration is performed to detect an optimum recording power of the laser light for recording, which is transmitted through said first recording layer, and said first recording layer has a facing area which faces the predetermined area, the facing area having embossed pits, and light transmittance of the facing area being same as that of a recorded area on said first recording layer, said first recording layer has a first predetermined area in which the power calibration is performed for said first recording layer, said second recording layer has an unrecorded area, in an area which faces the first predetermined area, said second recording layer has a second predetermined

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area in which the power calibration is performed for said second recording layer, said first recording layer has an unrecorded area, in an area which faces the second predetermined area, a radial position of the predetermined area, a radial position of the first predetermined area and a radial position of the second predetermined area are different from each other, said information recording method comprising: a test-writing control process of controlling said writing device to test-write the test-writing information for the power calibration of the laser light for recording with respect to said second recording layer, in the predetermined area through the facing area.

- Claim 22, prior art fails to disclose or suggest a first recording layer to record therein first information which is at least one portion of record information; and one or a plurality of second recording layers, which are disposed on said first recording layer, to record therein second information which is at least another portion of the record information, wherein each of said second recording layers has a predetermined area in which power calibration is performed to detect an optimum recording power of laser light for recording, which is transmitted through said first recording layer and other layers of said second recording layers, said first recording layer, the other layers of said second recording layers, and said each of said second recording layers arranged in this order as viewed from an irradiation side of the laser light, and in a facing area which faces the predetermined area in the other layers of said second recording layers and said first recording layer, by forming embossed pits, light transmittance of the facing



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area is made closer to (i) light transmittance under an assumption that (i-1) the embossed pits are not formed and that (i-2) the other layers and said first recording layer are already recorded, as compared to (ii) light transmittance under an assumption that (ii-1) the embossed pits are not formed and that (ii-2) the other layers and said first recording layer are unrecorded, said first recording layer has a first predetermined area in which the power calibration is performed for said first recording layer, said each of said second recording layers has an unrecorded area which faces the first predetermined area, said each of said second recording layers has a second predetermined area in which the power calibration is performed for said each of second recording layers, each of said first recording layer and said other layers of said second recording layers has an unrecorded area which faces the second predetermined area, a radial position of the predetermined area, a radial position of the first predetermined area and a radial position of the second predetermined area are different from each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IFEDAYO ILUYOMADE whose telephone number is (571)270-7118. The examiner can normally be reached on Mon. - Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
Unit 2627

/I. I./  
Examiner, Art Unit 2627  
06/30/2010.